

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BRYAN CORNELIUS HARRIS)	
)	
	Plaintiff,	
)	
v.)	1:06CV634
)	
SAMI HASSAN)	
)	
	Defendant(s).	

ORDER

Plaintiff has applied to proceed without prepayment of fees and consented to the collection in installments of the \$250.00 filing fee and any costs assessed by this Court from plaintiff's Trust Account. The Court has conditionally granted plaintiff leave to proceed without prepayment of fees on the terms imposed by the Prison Litigation Reform Act. Plaintiff has filed a motion for relief from the stay of this action, stating that he has not received any funds to pay the initial filing fee assessed in this action.

IT IS THEREFORE ORDERED that plaintiff's motion for relief from the stay of this action be granted.

IT IS FURTHER ORDERED that plaintiff's current custodian and/or trust officer shall immediately collect, set aside, and pay from plaintiff's trust account on a continuing basis installments of 20% of the deposits to the plaintiff's account until the full filing fee and any costs,

should they be assessed at a later date, have been paid in full.¹ Unless the Court orders otherwise and except for final payment, such payments shall be made each time the set aside balance in the plaintiff's account exceeds \$50.00.

IT IS FURTHER ORDERED that all payments shall be designated as made in payment of the filing fee for Civil Action No. 1:06CV634, and shall be paid to the Clerk, U.S. District Court for the Middle District of North Carolina. In the event plaintiff is transferred to another institution, the balance due shall be collected and paid to the Clerk by the custodian at plaintiff's next institution.

IT IS FURTHER ORDERED that plaintiff's current custodian and/or trust officer shall on or before fifteen days from the filing date of this Order, send to the Clerk of this Court a copy of plaintiff's Trust Account ledger cards for the last nine months from his present and prior units of incarceration.

IT IS FURTHER ORDERED that the Clerk shall send plaintiff a summons for each defendant named in the complaint. Plaintiff must fill out a summons for each defendant, including an address suitable for service, and then return the summons(es) to the Clerk. Failure to provide an address wherein service may be made on any defendant will result in the dismissal of the action as to all such unserved defendants after 120 days from the filing of the complaint. See Fed. R. Civ. P. 4(m).

IT IS FURTHER ORDERED that the United States Marshal shall serve the complaint on the defendant(s).

¹If the plaintiff is currently assigned to work release, the amounts set aside from work release earnings shall be treated as court costs under the North Carolina statutes governing priority of payouts for work release prisoners, N.C.G.S. § 148-33.1(f)(4). If the earnings in any month are not sufficient to cover the expenses listed in N.C.G.S. § 148-33.1(f)(1)-(f)(3a) without infringing on the set aside amount, then the excess expenses may be deducted from the set aside amount.

A copy of this Order shall be sent to the parties and plaintiff's current custodian.


United States Magistrate Judge

August 7, 2006